

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Gary Brandon Tanner**

**Docket No. 5:18-CR-64-1FL**

**Petition for Action on Supervised Release**

COMES NOW Corey Rich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gary Brandon Tanner, who, upon an earlier plea of guilty to 18 U.S.C. §§1349 and 1344, Conspiracy to Commit Bank Fraud, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on August 9, 2018, to the custody of the Bureau of Prisons for a term of 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Gary Brandon Tanner was released from custody on August 9, 2018, at which time the term of supervised release commenced.

On August 24, 2018, a violation report was forwarded to the court advising that the defendant submitted a urinalysis on August 13, 2018, that tested positive for opiates. When confronted, the defendant admitted using the substance without a valid prescription. A First Use Level DROPS sanction was implemented.

On September 13, 2018, a violation report was forwarded to the court advising that the defendant submitted a urinalysis on August 28, 2018, that tested positive for Codeine and Morphine. When confronted, the defendant admitted to using the substances without a valid prescription. A Second Use Level DROPS sanction was requested with the Bureau of Prisons. Placement has not yet been set.

On October 1, 2018, a violation report was forwarded to the court advising that the defendant submitted a urinalysis that tested positive for morphine on September 12, 2018. When confronted, the defendant admitted to using the substance without a valid prescription. The court agreed to strike the Third Level DROPS sanction, so long as the defendant followed through and complied with the recommendation that he enter into a residential treatment facility.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

As a condition of supervision, the defendant was ordered to pay a \$100 special assessment and \$4,025 immediately. At the onset of supervision, the defendant struggled immensely with substance abuse, and so he took the necessary steps to regain control of his sobriety. The defendant does not have the financial means to pay for his monetary penalties all at once. He has completed the required financial forms given to him by the probation office and has signed a waiver, agreeing to pay in monthly installments of \$50.

Since the defendant completed a program of inpatient treatment, followed by residential treatment thereafter, he has maintained his sobriety and is doing well in the community. His support system with his family has strengthened and he has been able to obtain and retain full-time employment.

Due to this, it is respectfully requested that the Second Level DROPS sanction be stricken, so as to not disrupt the defendant's forward progress. Additionally, we would recommend that the DROPS condition be removed from the conditions of supervision. Should any drug use be detected, the court will be notified.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant be allowed to pay the balance of his criminal monetary penalties in monthly installments of \$50 per month until the full amount of \$4,125 is paid in full.
2. The Second Use Level DROPS Sanction, and DROPS condition, is hereby removed from the conditions of supervision.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

/s/ Corey Rich

Corey Rich

U.S. Probation Officer

150 Rowan Street Suite 110

Fayetteville, NC 28301

Phone: 910-354-2540

Executed On: March 14, 2019

### ORDER OF THE COURT

Considered and ordered this 18th day of March, 2019, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan

U.S. District Judge